

DENNIS J. HERRERA, State Bar #139669  
City Attorney  
WAYNE K. SNODGRASS, State Bar #148137  
JEREMY M. GOLDMAN, State Bar #218888  
NEHA GUPTA, State Bar #308864  
Deputy City Attorneys  
City Hall, Room 234  
1 Dr. Carlton B. Goodlett Place  
San Francisco, California 94102-4682  
Telephone: (415) 554-6762 (Goldman)  
(415) 554-4665 (Gupta)  
Facsimile: (415) 554-4699  
E-Mail: jeremy.goldman@sfgov.org  
neha.gupta@sfcityatty.org

Attorneys for Defendant  
SHERIFF PAUL MIYAMOTO

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

RIANA BUFFIN and CRYSTAL  
PATTERSON, et al.,

Plaintiffs,

vs.

THE CITY AND COUNTY OF SAN  
FRANCISCO, et al.,

Defendants.

Case No. C15-04959 YGR

~~PROPOSED~~ ORDER REGARDING  
EMERGENCY RULE 4 OF THE CALIFORNIA  
RULES OF COURT


1 Sheriff Paul Miyamoto and Class Plaintiffs have requested that this Court issue an order  
2 regarding the Final Judgment and Injunction, ECF #372, insofar as it may bear on Emergency Rule 4  
3 of the California Rules of Court. Emergency Rule 4 was adopted by the Judicial Council of California  
4 on April 6, 2020 in response to the COVID-19 pandemic. It requires each superior court, by 5:00 p.m.  
5 on April 13, 2020, to apply a new statewide “Emergency Bail Schedule,” which sets bail at \$0 for all  
6 misdemeanors and felonies other than those enumerated in subdivisions (c)(1)-(13) of the rule.  
7 Subdivision (d) clarifies that courts retain the ability to deny bail pursuant to article I, section 12 or  
8 28(f)(3) of the California Constitution. Subdivision (g) provides that Emergency Rule 4 will remain in  
9 effect until 90 days after the Governor declares that the state of emergency related to the COVID-19  
10 pandemic is lifted, or until amended or repealed by the Judicial Council.

11 The Final Judgment and Injunction does not prevent the Sheriff from enforcing the statewide  
12 Emergency Bail Schedule under Emergency Rule 4 insofar as it establishes an entitlement to release  
13 on \$0 bail (including as qualified by the superior court’s authority to deny release on bail under the  
14 constitutional authority referenced in subdivision (d) of Emergency Rule 4). Such enforcement of the  
15 Emergency Bail Schedule is consistent with the Final Judgment and Injunction because the injunction  
16 enjoins the Sheriff from enforcing the San Francisco Superior Court’s Bail Schedule “or any form or  
17 derivative thereof *that requires or has as its effect that the existence and duration of pre-arraignment*  
18 *detention is determined by an arrestee’s ability to pay.*” Dkt. 372 at 2 (emphasis added). Under the  
19 Emergency Bail Schedule, where bail is set at \$0 or is denied altogether, the existence and duration of  
20 detention is not determined by an arrestee’s ability to pay.

21 Emergency Rule 4 also provides that each superior court’s bail schedule continues to apply to  
22 the offenses enumerated in subdivisions (c)(1)-(13) of the rule. Because the Sheriff’s enforcement of  
23 the San Francisco Superior Court’s bail schedule has been enjoined and the procedures in the Final  
24 Judgment and Injunction have taken its place, the Sheriff is required to continue to apply those  
25 procedures to eligible arrestees under the Final Judgment and Injunction who are not released on \$0  
26 bail pursuant to the statewide Emergency Bail Schedule.

1 IT IS SO ORDERED.

2  
3 Dated: April 13, 2020

4   
5 HON. YVONNE GONZALEZ ROGERS  
6 UNITED STATES DISTRICT JUDGE  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28